

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

REGULAR MEETING

JUNE 21, 2005

COUNTY COMMISSIONERS

**Jennifer Hill, Chairman
Catherine C. Hanson, Vice Chairman
Robert A. Pool, District #2
Debbie Stivender, District #3
Welton G. Cadwell, District #5**

**Cindy Hall, County Manager
Sanford A. Minkoff, County Attorney
James C. Watkins, Clerk to the Board**

DISCLAIMER

This booklet has been prepared for the convenience of the Board of County Commissioners in discussing matters before them. Every effort has been made to include all items to be discussed at this Board of County Commissioners meeting, however, Commissioners may add items, which are not a part of this Agenda, or items may be removed from consideration. While it has been the goal to present error-free information, we do not represent that documentation is without errors or omissions.

As a part of any public and formal meeting, the Board of County Commissioners may, from time to time, schedule a workshop during which they will receive information from staff, have discussions with staff and among themselves, and then proceed to give staff direction on the subject matter being discussed unless otherwise shown on the Agenda item. These discussions and workshops do not take the place of the formal public hearing process during which all public comment and formal action is taken.

The Board and staff welcome written comments prior to workshops and other meetings. If you have comments or questions regarding the subject matter of any Board action or workshop, please deliver your written comments to appropriate County staff or mail to the Board of County Commissioners, Post Office Box 7800, Tavares, FL 32778.

ITEMIZED AGENDA

June 21, 2005

9:00 A.M. Invocation

Pledge of Allegiance

9:00 A.M. - Reception for New County Manager, Cindy Hall

9:30 A.M.

I. AGENDA UPDATE

Discussion regarding proposed revisions to today's Agenda.

II. MINUTE APPROVAL

Tab 1 Approval of the following Minutes:

May 20, 2005 Regular Meeting

III. CLERK OF COURT'S CONSENT AGENDA

Tab 2 Approval of Clerk of Courts' Consent Agenda (Items 1 through 8):

1. Contractor Bonds: New and Rider - Approval.
2. Request to acknowledge receipt of list of checks or warrants paid prior to this meeting, pursuant to Chapter 136.06(1) of the Florida Statutes, which shall be incorporated into the Minutes as attached Exhibit A and filed in the Board Support Division of the Clerk's Office – Acknowledge receipt.
3. Notice of Taxing Authority – Pursuant to Section 163.346, Florida Statutes, the Mascotte City Council gives its notice to adopt a Resolution approving and adopting a community redevelopment plan for the community redevelopment agency created by Resolution Number 2005-03-350 adopted on April 11, 2005, and the community redevelopment area described in Resolution Number 2005-03-349 adopted on February 11, 2005. The public

hearing will be held on June 13, 2005, beginning at 6:30 p.m., or as soon thereafter, at the Mascotte Civic Center, Mascotte, Florida.

Notice to Taxing Authorities – Pursuant to Section 163.346, Florida Statutes, the Mascotte City Council gives its notice to adopt an ordinance pursuant to Section 163.387(1), Florida Statutes, creating and establishing a redevelopment trust fund for the community redevelopment agency created by Resolution Number 2005-03-250 adopted on April 11, 2005, and the community redevelopment area as described in Resolution Number 2005-06-352 adopted June 13, 2005, and providing for the funding of such trust fund. The public hearing will be held on June 27, 2005, beginning at 6:30 p.m., or as soon thereafter as possible, at the Mascotte Civic Center in Mascotte, Florida – Acknowledge receipt.

4. Before the Florida Public Service Commission – Notice of Commission Hearing and Prehearing to KMC Telecom III LLC, KMC Telecom V, Inc., KMC Data LLC, Sprint-Florida, Incorporated and All Other Interested Persons – Docket Number 041144-TP – Complaint Against KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for Alleged Failure to pay Intrastate Access Charges Pursuant to Its Interconnection Agreement and Sprints Tariffs and for Alleged Violation of Section 364.16(3)(A), F.S., by Sprint-Florida, Incorporated – Public Hearing will be held July 12, 2005, as noted; Prehearing Conference will be held June 20, 2005, as noted – Acknowledge receipt.
5. Received from the City of Mascotte – Ordinance Number 2005-05-381 Annexing Certain Real Property into the City of Mascotte Upon the Voluntary Petition of the Owner Filed by Lynn Giddens, as described; and by Lisa Anne Gonzalez Estate (Nicole Booth and Christopher A. Gonzalez, a Minor), as described – Acknowledge receipt.
6. Received a copy of the City of Clermont's Comprehensive Annual Financial Report for the fiscal year ended September 30, 2004, in accordance with Section 163.387(8) of the Florida Statutes regarding Redevelopment Trust Funds– Acknowledge receipt.

7. Satisfaction of Judgment – State of Florida vs. Donald Owen Nuzum, in the amount of \$50.95, Case Number 2002-CF-002276, fully releases and discharges the Order Assessing Additional Charges, Costs and Fines against Donald Owen Nuzum. This Order entered on the 3rd day of February 2004 and recorded in OR Book 02290, Pages 32-33, of the Public Records of Lake County, Florida. Lake County acknowledges receipt of full payment of said indebtedness and hereby acknowledges satisfaction of said Order and directs the Clerk of said Circuit Court of the Fifth Judicial Circuit, in and for the State of Florida, to cancel the same of record – Approval.
8. Proposed Operating Budget for Fiscal Year 2006, for the Deer Island Community Development District, in accordance with Chapter 190.008(2)(b) of the Florida Statutes – Acknowledge receipt.

RECOMMENDATION: Approval

IV. COUNTY MANAGER'S CONSENT AGENDA (Tabs 3 through 17)

A. Budget

Tab 3

1. Budget transfer – County Transportation Trust Fund, Department of Public Works, Road Operations Division. Transfer \$100,000.00 from Road Repair and Maintenance to Road Materials and Supplies. Additional material (such as limerock, asphalt emulsion, rock and sod) has been used this year for road repairs. Additional funds needed for the remainder of the year. Funds available in Road Repair and Maintenance. One budgeted drainage improvement project (Montclair Subdivision \$100,000.00) qualifies for the use of stormwater funds, leaving funds available for this transfer.

RECOMMENDATION: Approval

2. Budget transfer – County Transportation Trust Fund, Department of Public Works, Road Operations Division. Transfer \$40,000.00 from Contractual Services to Professional Services. Additional funds are needed for engineering consulting services related to surveying, drainage, and geotechnical repairs or improvements. Funds available in Contractual Services, which will leave a remaining balance after this transfer of \$123,105.00.

RECOMMENDATION: Approval

3. Budget transfer – Renewal Sales Tax Capital Projects Fund, Department of Public Works, Special Services Division. Transfer \$38,550.00 from Resurfacing to Sidewalks. The Sidewalks account has a balance of \$439,900.00. The South Lake Trail project is budgeted at \$401,155.00, leaving a balance of \$38,745.00. The CR-48 sidewalk project requires \$77,295.00 to complete with additional LAP funding. Additional funds of \$38,550.00 are needed to complete the project. Funds available in Resurfacing account, which has a balance of \$1,116,722.00.

RECOMMENDATION: Approval

4. Capital Substitution – General Fund, Office of Information Technology. Substitute funds of \$34,854.00 within Machinery and Equipment. Funds needed for disk array (\$21,548.00 – to backup data) and a laptop computer (\$2,523.00 – configure with server images). Funds are also needed for a firewall (\$4,836.00), firewall appliance (\$5,015.00), and server for secure gateway firewall (\$1,382.00) for new fiber connectivity and network configuration. Funds available in Machinery and Equipment from funds budgeted for network gateway security appliance.

RECOMMENDATION: Approval

Tab 4 Approval and authorization to execute the Resolution which initiates the annual process for preparation of the Assessment Roll, authorizes the publication of the advertisement for the public hearing, provides direction to notice all affected parties of the proposed rates, and directs the imposition of Fire and Rescue Assessment fees for the Fiscal Year beginning October 1, 2005

RECOMMENDATION: Approval

B. Community Services

Tab 5 Approval to grant the City of Leesburg \$500,000.00 from the Library Impact Fee Fund for the Leesburg Public Library construction project, as recommended by the Lake County Library Advisory Board, and approval and signature of an accompanying Interlocal Agreement for payment of the funds to the City, pending County Attorney approval; and approval of related budget transfer from Reserves in the amount of \$500,000.00.

RECOMMENDATION: Approval

Tab 6 Approval to subscribe to online reference databases through Thomas/Gale for the Lake County Library System.

RECOMMENDATION: Approval

Tab 7 Approval of distribution of Byrne grant funds among seven local jurisdictions; signature on seven original letters of support; approval for submission of applications for the Sheriff for School Resource Officer III and Technology Improvement Program I; and signature on grant documents including application, certificate of acceptance, EEO certifications, and subsequent grant related documents (contingent on County Attorney review and approval).

RECOMMENDATION: Approval

Tab 8 Approval to submit Drug Free Communities grant application, made available through the Florida Department of Law Enforcement, in the amount of \$45,000.00, contingent upon County Attorney review.

RECOMMENDATION: Approval

C. Economic Development

Tab 9 Approval and execution of a Real Estate Purchase and Sales Agreement between Lake County and RealVest Development, LLC for the Purchase of Lot 3 and a portion of Lot 4, Phase I, Christopher C. Ford Commerce Park consisting of approximately 23 acres at \$50,000.00 per acre or approximately \$1,150,000.00.

RECOMMENDATION: Approval

D. Environmental Services

Tab 10 Approval and authorization of the Initial Assessment Resolution for Collection, Management, and Disposal of Solid Waste and Recovered Materials for Fiscal Year 2005-2006 and each fiscal year thereafter until discontinued or changed.

RECOMMENDATION: Approval

E. Procurement Services

Tab 11 Approval to award the contract for Construction of a Fishing Pier at Lake Idamere to Schippers Marine Construction, Inc. in accordance with Bid Number 05-022 at a cost of \$77,112.00; and also approval of a Budget Transfer in the amount of \$52,500.00.

RECOMMENDATION: Approval

F. Public Works

Tab 12 Approval and authorization to return funds for maintenance in the amount of \$10,682.00 posted for Sugarloaf Meadows. Sugarloaf Meadows consists of 10 lots – Commission District 3.

RECOMMENDATION: Approval

Tab 13 Approval and authorization to release a Letter of Credit for Maintenance in the amount of \$13,200.00 posted for Bridges Glen. Bridges Glen consists of 15 lots – Commission District 3.

RECOMMENDATION: Approval

Tab 14 Approval and authorization to accept the final plat for Harbor Hills Phase 4 and all areas dedicated to the public as shown on the Harbor Hills Phase 4 plat. Harbor Hills Phase 4 consists of nine lots – Commission District 5.

RECOMMENDATION: Approval

Tab 15 Approval to enter into an Interlocal Agreement between the City of Mount Dora and Lake County for traffic signal maintenance.

RECOMMENDATION: Approval

Tab 16 Approval and signatures on the Tentative Work Plan Budget for Arthropod Control for Fiscal Year 2005-2006.

RECOMMENDATION: Approval

Tab 17 Approval and authorization to release a Performance Bond in the amount of \$273,108.00; release a Performance Bond in the amount of \$3,581,361.85; accept a Maintenance Bond in the amount of \$362,554.65; execute a Developer's Agreement for Maintenance of Improvements between Lake County and FL Land Partners, LLC; and execute a Resolution accepting the following roads into the County Road Maintenance System: Green Forest Drive (County Road Number 5586), Deep Springs Loop (County Road Number 5586A), Wagonwheel Court (County Road Number 5586B), Green Gardens Court (County Road Number 5786), Greenwood Crossings (County Road Number 5885), Ridge Link Road (County Road Number 5986), Panther Ridge Road (County Road Number 5984B), High Pines Drive (County Road Number 6086), Pinegate Trail (County Road Number 6086A), and Totem Pole Terrace (County Road Number 6087A) all relating to Lakewood Ranches. Lakewood Ranches consists of 149 lots – Commission District 5.

RECOMMENDATION: Approval

V. PRESENTATIONS

A. PRESENTATIONS – 9:00 A.M. or as Soon Thereafter

1. PRESENTATIONS

PRESENTATION: Update of Florida Yards & Neighborhoods Program in Lake County by Teresa Watkins, University of Florida/IFAS

PRESENTATION: Guardian Ad Litem Program by Lalenya J. Robertson, Chair of Advocating for Kids, Inc.

CITIZEN QUESTION AND COMMENT PERIOD

At this point in the meeting, the Board of County Commissioners will hear questions, comments and concerns from the citizens of Lake County. Action will not be taken by the Board at this meeting but questions may be answered by staff or issues may be referred for appropriate staff action. If further action is necessary, the item may be placed on the agenda for further review and consideration. NOTE: Zoning or code enforcement matters which may be coming before the Board at a later date should not be discussed until such time as they come before the Board in a public hearing.

VI. COUNTY MANAGER'S DEPARTMENTAL BUSINESS (Tab 18 through 19)

A. Budget

Tab 18 Approval of the Capital Project Funding Recommendations for Fiscal Years 2005 through 2007.

RECOMMENDATION: Approval

Tab 19 Consideration of appeal of denial for partial refund of impact fees on 16 town homes in Clermont Yacht Club to Edginton Enterprises, Inc., in accordance with Section 22-17 of Lake County Code.

VII. OTHER BUSINESS (Tab 20 through 21)

Tab 20 Appointment of Phillip Braun as Leesburg Regional Medical Center's *alternate member representative*, and R. Patton McConnell serving as *primary member representative* on the Comprehensive Health Care Committee.

Tab 21 Appointment of individual to vacant District 3 position on the Elder Council (*rescheduled from June 6, 2005 BCC Meeting*).

VIII. REPORTS

A. County Attorney (Tab 22 through 24)

Tab 22 Approval to advertise Ordinance amending Chapter 18, Article III, Lake County Code relating to Special Assessment Program.

Tab 23 Approval of Resolution instituting eminent domain proceedings for acquisition of new fire station site on CR 448 and Shirley Shores Road in the Lake Jem area and approval to proceed with the pre-suit negotiation offer.

Tab 24 Discussion of St. Johns River Water Management District's conditional funding participating and authorization for the Chairman to sign any and all documents necessary to close the transaction for the purchase of Ferndale Preserve on Lake Apopka.

B. County Manager

C. Commissioner Hill – Chairman and District #1

D. Commissioner Pool – District #2

E. Commissioner Stivender – District #3 (Tab 25)

Tab 25 Approval and execution of Resolution declaring the month of June as Safety Month in Lake County.

F. Commissioner Hanson – District #4

G. Commissioner Cadwell – District #5

The County Commission reserves the right to move any Agenda item to an earlier time during the day as its schedule permits, except in the case of items and appointments that have been advertised in a newspaper for a specific time.

Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by the County Commission with respect to any matter considered at this Commission meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities needing assistance to participate in any of these proceeding should contact the Department of Facilities Development and Management at (352) 343-9760, 48 hours in advance of the scheduled meeting.

TENTATIVE AGENDA

JUNE 28, 2005

9:00 A.M. Regular Meeting (Zoning and Road Vacations)

TENTATIVE AGENDA

JULY 12, 2005

9:00 A.M. Regular Meeting/Worksession

**9:00 A.M. PRESENTATION: Approval, Execution and Presentation of Proclamation Honoring Boys
or as Soon and Girls Club AAU Basketball Team
Thereafter**

**9:00 A.M. PRESENTATION: Approval, Execution and Presentation of Proclamation Honoring Mt. Dora
or as Soon High School Softball Team
Thereafter**

**9:00 A.M. PRESENTATION: Streetscape Plan by Michael Pape & Associates representing the City of
or as Soon Tavares
Thereafter**

**9:00 A.M. WORKSESSION: Dirt Road Inventory
or as Soon
Thereafter**

TENTATIVE AGENDA

JULY 19, 2005

9:00 A.M. Regular Meeting

**9:00 A.M. PUBLIC HEARING: Post-Publication Public Hearing for Federal Fiscal Year 2005 One-Year
or as Soon Action Plan relating to Community Development Block Grants
Thereafter**

**9:00 A.M. PUBLIC HEARING: Ordinance Amending Section 2-24, Lake County Code, to be Entitled
or as Soon Lake County Investment Policy
Thereafter**

**9:00 A.M. PRESENTATION: Healthy Communities by Fletcher Smith, Director, Community Services
or as Soon
Thereafter**

TENTATIVE AGENDA

JULY 26, 2005

9:00 A.M. Regular Meeting (Zoning and Road Vacations)

TENTATIVE AGENDA

AUGUST 2, 2005

9:00 A.M. Regular Meeting

**9:00 A.M. PRESENTATION: Emerald Marsh Restoration Project by David Walker, St. Johns River
or as Soon Water Management District
Thereafter**